

E-FILED on 1/4/06

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RAMBUS, INC.,

Plaintiff,

v.

HYNIX SEMICONDUCTOR INC., HYNIX
SEMICONDUCTOR AMERICA INC., HYNIX
SEMICONDUCTOR MANUFACTURING
AMERICA INC.,

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC.,
SAMSUNG SEMICONDUCTOR, INC.,
SAMSUNG AUSTIN SEMICONDUCTOR,
L.P.,

NANYA TECHNOLOGY CORPORATION,
NANYA TECHNOLOGY CORPORATION
U.S.A.,

Defendants.

No. C-05-00334 RMW

Related Cases: C-05-02298
C-00-20905

ORDER DENYING SAMSUNG'S RENEWED
MOTION TO CONSOLIDATE THE
UNCLEAN HANDS ISSUE

At the initial case management conference in this case on October 28, 2005, Samsung renewed its request to consolidate the unclean hands defense in the above-captioned case with the unclean hands defense asserted by Hynix against Rambus in the related *Hynix v. Rambus* case, No. C-00-20905 ("*Hynix* case"). Hynix's unclean hands defense was the subject of an evidentiary hearing occurring on October 17 - 19 and October 24 - November 1, 2005. Rambus proposes that the court withhold a decision on that defense in the *Hynix* case until such time as additional evidence can be offered by Samsung so a consolidated decision can

1 be rendered. Samsung specifically proposes a January 30, 2006 completion of fact discovery for the issue of
2 Rambus's unclean hands and a February 21, 2006 hearing date, subject to the court's schedule. The court
3 hereby denies the request.

4 The court will not repeat the parties' arguments as they are very familiar to the parties. However, the
5 reasons for the denial are those stated in the court's October 3, 2005 Order Denying Samsung's Motion to
6 Consolidate the Unclean Hands Issue. Additionally, the court finds that: (1) the cases involving the various
7 parties cry out for a business resolution and the sooner matters which have been heard are decided the sooner
8 the parties will be informed where they stand so hopefully they can intelligently evaluate their respective
9 positions and resolve their disputes before further evidentiary proceedings occur; (2) some issues in Samsung's
10 unclean hands defense appear unique to Samsung; (3) it would be impractical to try and squeeze in the time
11 necessary for discovery and the hearing on Samsung's unclean hands defense without resultant delay in
12 resolving the patent and conduct phases of the *Hynix* case; and (4) it does not appear that Samsung would
13 be bound by any finding adverse to Hynix.

14
15 DATED: 1/4/06

/s/ Ronald M. Whyte
RONALD M. WHYTE
United States District Judge

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27 **Dated:** 1/4/06

DOH
Chambers of Judge Whyte